

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

National Human Rights Commission - **Case No.457/1/2004-2005/SCN** - Torture and harassment of Borstal School inmate Sri Adinarayana, Jail inmate of Borstal School, Nizamabad, by the Jail Officials - Sanction of compensation of Rs.20,000/- to the victim - Orders - Issued.

HOME (HRC) DEPARTMENT

G.O.Rt.No. 2019

Dated: 29-10-2008

Read the following:

1. From the Joint Registrar (Law), NHRC, New Delhi, Show Cause Notice in Case No.457/1/2004-2005/SCN, dated: 25-04-2008.
2. From the Director General & Inspector General of Prisons & Correctional Services, A.P., Hyderabad, D.O.Letter No.SB3/540/2008, dated.22-05-2008.
3. From the Collector & Dist. Magistrate, Nizamabad, Lr.No.C1/05/2005-M, dated: 25-06-2008.
4. From the Collector & District Magistrate, Visakhapatnam, Letter (M)Rc.No.15512/2008/C2, dated: 08-08-2008.

ORDER:

The Joint Registrar (Law), National Human Rights Commission, New Delhi, in the letter first read above, has informed that while considering the reports on the subject submitted by the Collector & District Magistrate, Nizamabad, the Commission has issued show cause to the Chief Secretary to Government of Andhra Pradesh, as to why recommendations u/s.18(a)(i) of the Protection of Human Rights Act, 1993 be not made to grant compensation to the victim Sri Adinarayan and also apprise the Commission about the departmental action taken against erring Borstal School Officials.

2. The Director General & Inspector General of Prisons & Correctional Services, Andhra Pradesh, Hyderabad, in the reference second read above, has reported that three officials namely i) Sri D.Kesanna, the then Superintendent (Deputy Superintendent of Jails), Borstal School, Nizamabad (retired); ii) Sri Mamoon Masood, the then Jailor, Borstal School, Nizamabad (retired); and iii) Sri B.Viswanadham of Borstal School, Nizamabad were found guilty of torturing the inmate Sri Adinarayana. After completion of the due procedure, the Government have issued orders in G.O.Rt.No.454, Home (Prisons.A) Department, dated: 11-03-2008, imposing the penalty of withholding of one annual grade increment without cumulative effect in respect of Sri B.Viswanatham, the then Assistant Superintendent, Borstal School, Nizamabad and presently working as Superintendent (Deputy Jailor), Sub-Jail, Nagarkurnool, Mahabubnagar District, for the charges held proved in the enquiry and the suspension period from 17-09-2004 to 07-04-2006 shall be treated as leave as per his eligibility. He has also reported that the Government vide Memo.No.30912/Pri.A/A1/2006-3, dated: 23-07-2007 has issued Show Cause Notices to Sri D.Kesanna, the then Superintendent (Deputy Superintendent of Jails), Borstal School, Nizamabad (retired) and (ii) Sri Mamoon Masood, the then Jailor, Borstal School, Nizamabad (retired). Based on the report of the Director General & Inspector General of Prisons & Correctional Services, Andhra Pradesh, Hyderabad, the Government vide G.O.Rt.Nos.1292 & 1293, Home (Prisons.A) Department, dated 07-07-2008, have imposed the punishment of one percent cut from the pension of the both retired officials for a period of six months.

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3. The Collector & District Magistrate, Nizamabad, in the letter third read above, has stated that the Joint Collector has conducted detailed enquiry into the matter, which reveals that S/Sri Momoon Masood and Vishwanatham have committed excesses and have infringed into the Human Rights meted out inhuman treatment to the inmate Adinarayana and recommended straight action against the officials responsible. The said report has been submitted to the National Human Rights Commission. Meanwhile, the inmates of the Borstal School has approached and filed a W.P.No.15707/2004 before the Hon'ble Andhra Pradesh High Court and the Hon'ble High Court in its order dated: 29-09-2004 has directed the State Government to constitute a Committee to enquire into the case. Accordingly, the Government vide G.O.Ms.No.17, Home (Prisons.A) Department, dated: 01-02-2005, have constituted a committee to enquire into the case. He has also stated that Sri Adinarayana is presently residing at his native place i.e., Pandurangi (V), Padmanabham (M), Visakhapatnam District and therefore, details of the socio-economic status of the victim are not available in the District.

4. The Collector & District Magistrate, Visakhapatnam, in the reference fourth read above, has reported that based on the report of the Tahsildar, Padmanabham, Sri M.Appalaswamy father of M. Adinarayana is working as Talayari, Pandurangi Village, Padmanabham Mandal and he belongs to the S.C. Community (Mala). Sri M.Appalaswamy has 3 children. The father of Sri M.Adinarayana is having one thatched house and there is no other movable or immovable properties of the victim's father and his monthly income is Rs.1840/- only. The Collector & District Magistrate, Visakhapatnam, has also stated that that the first two sons of M.Appalaswamy are living separately and that Sri M. Adinarayana was married in the year 2004-2005 and has been living in Revidi (V), Padmanabham Mandal, Visakhapatnam District, along with his mother in law. The Tahsildar, Padmanabham has further reported that Sri Adinarayana is at present working as daily labour and his monthly income is Rs.1000/- only that he is having one daughter.

5. Government, after careful consideration of the matter, hereby sanctioned an amount of Rs.20,000/-(Rupees Twenty thousand only) towards payment of compensation to Sri Adinarayana (an inmate of Borstal School, Nizamabad), as per the directions of the Hon'ble National Human Rights Commission, subject to recovery of the said amount from responsible Jail Officials, who tortured the inmate. (i.e., Sri D. Kesanna, the then Superintendent (Deputy Superintendent of Jails), Borstal School, Nizamabad (retired); ii) Sri Mamoon Masood, the then Jailor, Borstal School, Nizamabad (retired) and iii) Sri B.Viswanadham of Borstal School, Nizamabad).

6. The amount sanctioned in para (5) above shall be debited to the Head of Account: 2056 Jails - MH 101 Jails- SH (4) Jails -500 Other Charges /501 Compensation (Charged) and shall initially be met by way of an advance from the Contingency Fund, orders regarding which will be issued by the Finance (BG) Department separately.

7. The Director General & Inspector General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad, shall recover the amount of Rs. 20,000/- sanctioned in para (5) above, from the responsible Jail Officials, who tortured the inmate. (i.e., Sri D.Kesanna, the then Superintendent (Deputy Superintendent of Jails), Borstal School, Nizamabad (retired); (ii) Sri Mamoon Masood, the then Jailor, Borstal School, Nizamabad and (iii) Sri B.Viswanadham of Borstal School, Nizamabad, accordingly, and submit compliance report to the Government.

8. The Director General & Inspector General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad, is authorized to draw the amount sanctioned in para (5) above, and place the amount at the disposal of the Collector & District Magistrate, Visakhapatnam District, so as to pay compensation to the victim and to submit compliance report along with the proof of payment to Government.

9. The Director General & Inspector General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad, shall send necessary proposal for obtaining supplementary grant at an appropriate time during current financial year, 2008-2009 towards recoupment of advance from the Contingency Fund.

10. The Director General & Inspector General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad, shall take further action accordingly.

11. This order issues with the concurrence of the Finance (Exp.Home) Department vide their U.O. Note No.29138/463/ A2/exp.H&L/2008, dated: 22-10-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Director General & Inspector General of Prisons and
Correctional Services, Andhra Pradesh, Hyderabad.

The Collector & District Magistrate, Visakhapatnam.

The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad.

The Accountant General (A&E), Andhra Pradesh, Hyderabad.

The District Treasury Officer, Visakhapatnam.

Copy to:

The Joint Registrar (Law),
National Human Rights Commission,
Faridkot House, Copernicus Marg,
New Delhi - 100 001.

The Finance (Exp.H&L) Department.

The Finance (BG.V) Department.

The General Administration (HRC) Department.

The Collector & District Magistrate, Nizamabad.

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER.